SINGLE BENCH

CF 1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 9899 Of 2006

PETITIONER : Sukha Chand Patel, aged about 58 years, S/o Late Shri Mannu Ram Patel, Assistant Grade III, Office of Executive Engineer, Public Works Department, Raigarh, R/o Rambhata, Tah. & Dstt. - Raigarh (C.G.)

P.R. No. 4928/06 Presented by Shri Rakesh Agrawal dated 5/9/06

VERSUS

RESPONDENTS : 1. **The State of Chhattisgarh,** Through : The Secretary, Public Works Department, Mantralay, D.K.S. Bhawan, Raipur (CG)

2. **Executive Engineer,** Public Works Department, Division Raigarh, Tahsil and District - Raigarh (CG)

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OATH COMMISSIONER APARNA MALVIYA CG/1073/96

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(41)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. (s) No. 4899 of 2006

Petitioner : Sukha Chand Patel

Versus

Respondents : The State of Chhattisgarh & another

Shri Rakesh Anthony, Advocate for the petitioner.

Shri Sushil Dubey, Govt. Advocate for the State/respondents.

O R D E R

(Passed on 8th of September, 2006)

1. By this petition, the petitioner has challenged legality of the transfer order dated 6.7.2006 (Annexure P-1), whereby he has been transferred from Raigarh Division to Ambikapur Circle.

2. The main grievance of the petitioner is that he is working as Assistant Grade-III and the seniority of Assistant Grade-III employees are being maintained circle wise and in support, a gradation list has been enclosed as Annexure P-2, which has not been denied by learned Government Advocate for the State.

3. Learned counsel for the petitioner submits that if the order impugned is allowed to be executed, then the seniority of the petitioner shall be affected, therefore, the petitioner may be allowed to make a detailed representation to respondent No.1 and

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in turn, the respondents be directed to decide the same in accordance with law.

4. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, without expressing any opinion on the merit of the case, the petitioner is allowed to make a detailed representation raising all his grievances to respondent No. 1 within 10 days from today along with a copy of this petition & annexures. On such representation being filed the respondent No. 1 shall decide the same within a period of 30 days from the date of receipt of the said representation in accordance with law after considering all the points raised by the petitioner.

5. In the meantime, till the decision of the representation the effect and operation of the impugned order dated 6.7.2006 (Annexure P-1) in respect of the petitioner shall remain stayed.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No. 3791/06 also stands disposed of.

Certified copy as per rules.

Sd/-
Satish K. Agnihotri
Judge

Bablu